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REPORT OF THE MIGRATORY BIRD COMMISSION, 1937

LETTER

FROM

THE SECRETARY OF AGRICULTURE

TRANSMITTING

A REPORT OF THE MIGRATORY BIRD CONSERVATION COMMISSION  
FOR THE FISCAL YEAR ENDED JUNE 30, 1937

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to be printed

MIGRATORY BIRD CONSERVATION COMMISSION,  
*Washington, D. C., February 19, 1938.*

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

SIR: In accordance with the provisions of section 3 of the act of Congress approved February 18, 1929 (45 Stat. 1222; U. S. Code, Supp., ch. 7a), I present herewith report of the Migratory Bird Conservation Commission for the fiscal year ended June 30, 1937.

Respectfully,

H. A. WALLACE,  
*Secretary of Agriculture,  
Chairman of the Migratory Bird Conservation Commission.*

REPORT OF THE MIGRATORY BIRD CONSERVATION COMMISSION FOR  
THE FISCAL YEAR 1937

During the fiscal year 1937 the impetus in refuge land acquisition that had prevailed since 1934 slowed down somewhat, primarily because of the great reduction in funds furnished the Biological Survey to carry forward the work. Selective buying was continued, however, directed in the main toward the acquisition of numerous small tracts that the Bureau found necessary to facilitate the administration of the refuges within which situated or because of modifications in development plans for constructing water-impoundment dikes, digging ditches for conveying water, constructing roads, and fencing. As a large

percentage of such tracts could not be obtained at prices deemed to be equitable after appraisals had been made, recourse was had, with the approval of the Migratory Bird Conservation Commission, to judicial proceedings. Nevertheless, during the fiscal year 1937 five migratory waterfowl refuges were acquired with the approval of the Commission. These were the Aransas, Tex., Back Bay, Va., Willamette, Oreg., Montezuma, N. Y., and Union Slough, Iowa, refuges, and within them 54,498 acres, or 99 percent of the total lands desired, were taken under agreements of purchase at prices approved by the Commission.

Two outstanding aspects in this governmental program of land purchases for national wildlife refuges distinguish it from those of other Federal agencies engaged in similar extensive programs—with the possible exception of the War Department, which is engaged in river-and-harbor improvement work—and make it necessary in most cases to deal in a seller's market or to resort to arbitrary condemnation: (1) The areas desired for refuge purposes are highly selective for the reason that they must be strategically situated in the flight lanes of migratory waterfowl and have natural attractions for the birds. This brings the acquisition program into active competition with gunning clubs or other groups that may be interested in preserving such places for their own uses, or in conflict with local sentiment that opposes the establishment of inviolate sanctuaries at places that have been used for many years as favorite hunting grounds. (2) The Biological Survey deems it administratively necessary that all the lands desired for a refuge be acquired at one time. Otherwise a refuge could not be made effective for the complete protection of wildlife, inasmuch as the various species are accustomed to move from place to place within their natural environment, and a privately owned hunting tract in the midst of an inviolate sanctuary would nullify the effectiveness of the refuge. It is therefore an administrative requirement that the conveyances of lands from private owners to the United States be made as rapidly as possible in order to expedite their administration.

#### ACQUISITIONS IN OTHER YEARS

As a matter of convenience to those who receive the annual reports of the Migratory Bird Conservation Commission, it appears appropriate each year to review in narrative form what has been accomplished toward the establishment of national wildlife refuges under the provisions of the Migratory Bird Conservation Act and of other acts that have the same objective.

Prior to the fiscal year 1935 only 122,594 acres of privately owned land had been bought for refuges under the provisions of the Migratory Bird Conservation Act, because up to that time the appropriations with which to make purchases were relatively small and the facilities were too meager for investigating prospective areas of the public domain to find suitable lands. In addition, it was generally known that there were comparatively few areas remaining within the public domain that were worth the effort necessary to have them set aside for refuge purposes, and the financial means to administer any such places that might have been selected were not available.

Prior to the fiscal year 1935 also there had been acquired by Executive order and purchase 140,731 acres under the special act of Congress entitled "An act to establish the upper Mississippi River Wild-

life and Fish Refuge," by which provision was made for the acquisition of nearly 185,000 acres of bottom lands along the Mississippi River from the foot of Lake Pepin, Minn., to Rock Island, Ill., a total length, as the river meanders, of 284 miles.

The establishment of the Bear River Migratory Bird Refuge, Utah, was another outstanding accomplishment prior to the fiscal year 1935. It was provided for by an act of Congress passed in 1928, known as "An act to establish the Bear River Migratory Bird Refuge," under the provisions of which 23,621 acres of privately owned lands were acquired or are now in process of acquisition. Within the area 25,517 acres of public domain were set aside by Executive order.

These acquisitions, together with some of smaller extent, aggregated 1,215,238 acres, of which some 900,000 acres were set aside by Executive order and the remainder purchased at approximately \$628,000, from the time the Biological Survey acquired its first refuge—the Pelican Island Bird Reservation, Fla., containing 3 acres, by Executive order of President Theodore Roosevelt, dated May 14, 1903—until the beginning of the fiscal year 1935.

During the fiscal year 1935, in which a substantial sum was made available to the Biological Survey from emergency funds, 710,136 acres of land embraced within 38 refuges were taken under contracts of purchase, involving payments of \$5,563,087 to about 2,000 landowners.

During the fiscal year 1936, also with emergency funds, contracts of purchase were entered into with another large group of private landowners for the acquisition of 197,318 acres for refuges, at a cost of \$985,385. In addition, 727,900 acres were taken under contracts of purchase with private landowners at an aggregate cost of \$3,982,579. These tracts were approved by the Migratory Bird Conservation Commission, and the acquisitions were made under its purview, since the funds used were made available especially for that purpose by the act of June 15, 1935, under title VII (continuance of appropriations of the act of March 16, 1934). This act appropriated \$6,000,000 for the acquisition of lands for the restoration, rehabilitation, and protection of migratory waterfowl and other wildlife and for the erection and construction thereon, in connection therewith, of buildings, dikes, dams, canals, and other necessary works. Most of the purchases made under title VII were for the consolidation of lands on refuges the acquisition of which had been initiated with emergency funds. In addition to the policy of consolidation, however, 15 new refuges were acquired in the fiscal year 1936.

During the 3 years since the enactment of the Migratory Bird Hunting Stamp Act of March 16, 1934, proceeds deposited in the Treasury have aggregated only \$1,676,787. None of this fund has been expended for the purchase of new lands, but most of it has gone for the development and administration of refuges acquired with other funds.

From July 1, 1929, the date on which the Migratory Bird Conservation Act became effective, up to the present, 6,232,212 acres embraced within 217 prospective refuges throughout the United States have been examined and appraised; 107 refuges in whole or in part have been acquired by purchase and under Executive order, with an aggregate area of 6,692,781 acres; and more than 14,052 miles of boundary and auxiliary lines have been surveyed and the boundaries

permanently monumented and posted, thus making possible the erection of fences on refuges acquired and otherwise facilitating administration.

#### FUNDS AVAILABLE

The amounts authorized by Congress for acquisition of lands under the Migratory Bird Conservation Act of February 18, 1929, and the funds appropriated for the fiscal years 1930-37 are shown in table 1.

TABLE 1.—*Funds authorized and appropriated for migratory-bird refuges under the Migratory Bird Conservation Act, fiscal years 1930-37*

Fiscal year	Author- ized	Appro- priated	Fiscal year	Author- ized	Appro- priated
1930.....	\$75,000	\$75,000	1935.....	\$1,000,000	\$65,015
1931.....	200,000	200,000	1936.....	1,000,000	67,500
1932.....	600,000	400,000	1937.....	1,000,000	79,753
1933.....	1,000,000	318,000			
1934.....	1,000,000	89,525	Total.....	5,875,000	1,294,793

The difference between the totals shows an unappropriated authorization of \$4,580,207 through the fiscal year 1937. It should be noted, however, that the funds made available under title VII of the act of June 15, 1935, were for the general purposes provided for under the provisions of this act.

The fiscal year 1937 was unlike the 3 preceding years, in that no additional funds were made available for refuge land acquisition. It was possible, however, to continue the program to the extent of rounding out and filling in existing refuges with funds remaining in the \$6,000,000 appropriation provided under title VII of the act of June 15, 1935. Also the termination of cases as the result of judicial proceedings released funds for payment that had been deposited in the courts in previous years.

#### Summary of accomplishments

Acres approved for purchase to June 30, 1933.....	139,608.29
Average cost per acre.....	\$4.57
Acres approved for purchase, July 1, 1933, to date.....	692,057.96
Average cost per acre.....	\$5.03
Acres approved for purchase by the Federal Emergency Relief Administration and the Resettlement Administration (Farm Security Administration).....	723,880.00
Average cost per acre.....	\$7.81
Acres approved for purchase under other emergency funds.....	219,948.00
Average cost per acre.....	\$5.78
Number of acres acquired under Executive orders to June 30, 1933.....	2,081,813.84
Number of acres acquired under Executive orders, July 1, 1933, to date.....	4,080,719.20
Number of existing refuges prior to June 30, 1933.....	102
Number of existing refuges on June 30, 1937 <sup>1</sup> .....	177
Total acreage for refuges.....	7,938,027.29

<sup>1</sup> Exclusive of easement refuges in North Dakota, South Dakota, and Montana.

#### SUMMARY OF REFUGE PROGRAM

The following tables (2 and 3) set forth in detail the accomplishments in the acquisition of wildlife refuges under the provisions of the Migratory Bird Conservation Act and through the means provided by emergency appropriations:

TABLE 2.—Lands for refuges acquired and in process of acquisition under the Migratory Bird Conservation Act program through June 30, 1937

State and county	Refuge	Fiscal year 1937					Acquired in previous years beginning Feb. 18, 1929	
		Acquired by purchase	Pending title conveyance	Total	Acquired other than by purchase	Total	By purchase	Other than by purchase
		Acres	Acres	Acres	Acres	Acres	Acres	Acres
Arizona: Mohave	Boulder Canyon (see also Nevada)					31		1 312, 047
Arkansas: Arkansas, Desha, Monroe, Phillips	White River							16
California: Imperial	Salton Sea							
Madoc and Siskiyou	Tule Lake						8, 982	1 36, 578
Delaware:								1 36, 563
Kent	Bombay Hook	5, 120	6, 886	12, 006				
Newcastle	Killehook (see also New Jersey)							1 586
Florida:								
Levy	Cedar Keys				1 155	155		1 224
Hernando	Chinsegut Hill	2, 356	7, 199	9, 555				2 2, 033
Georgia: Jefferson, Taylor, and Wakulla	St. Marks						19, 300	1 15, 926
Charlton, Clinch, and Ware	Okefenokee	238, 417	4, 451	292, 868	2 2	292, 870		
Chatham	Savannah River (see also South Carolina)	944		944		944		
Idaho:								
McIntosh	Wolf Island							1 575
Jefferson	Camas	1, 516	8, 671	10, 187				
Canyon	Deer Flat		73	73				
Blaine, Cassia, Minidoka, and Power	Minidoka							
Bannock	Pocatello, U. S. Biological Survey supply depot.	1	1	2	1 12, 092	120, 92		1 13, 240
Iowa: Kossuth	Union Slough							
Louisiana:								
Plaquemines	Delta	29, 966	4, 073	34, 039	1 2, 927	36, 966		
Cameron	Lacassine	17	8, 107	8, 124				1 1, 408
Maine:								
Washington	Moosehorn	684	10, 609	11, 293				
Knox	Widows Island							3 12
Maryland:								
Dorchester	Blackwater						8, 241	
Anne Arundel and Prince Georges	Patuxent		418	418				3, 111
Michigan: Schoolcraft	Seney	5, 448	39, 494	44, 942	1 2, 693	44, 942		1 936
Minnesota: Atkin	Rice Lake							
Cottonwood	Talcot Lake	661	1, 430	2, 091				2 80

3 Act of Congress.

1 Gift.

1 Set aside by Executive order or proclamation.

TABLE 2.—*Lands for refuges acquired and in process of acquisition under the Migratory Bird Conservation Act program through June 30, 1937—*  
Continued

State and county	Refuge	Fiscal year 1937					Acquired in previous years beginning Feb. 18, 1929	
		Acquired by purchase	Pending title conveyance	Total	Acquired other than by purchase	Total	By purchase	Other than by purchase
		Acres	Acres	Acres	Acres	Acres	Acres	Acres
Minnesota—Continued.								
Becker	Tamarac	15, 149	1, 840	16, 989		16, 989	5, 049	
Winona	Upper Mississippi	1		1			1	
Mississippi: Washington	Yazoo	2, 440		2, 440		2, 440		
Missouri:								
Holt	Squaw Creek	170	1	171		171	42	
Chariton	Swan Lake	2, 134	3, 263	5, 397		5, 397		
Montana:								
Cascade and Chouteau	Benton Lake							
Custer	Fort Keogh				1, 970, 000	970, 000		1 12, 235 1 56, 954
Ferguson, Garfield, McCone, Petroleum, Phillips, Valley.	Lake Bowdoin							1 15, 400 1 301
Roosevelt and Sheridan	Medicine Lake					1, 003		1 1, 198
Beaverhead	Red Rock		1, 003	1, 003			40, 920	1 173
Nebraska:								
Garden	Crescent Lake							
Cherry	Niobrara		377	377				
Nevada:								
Clark	Boulder Canyon (see also Arizona)							1 346, 443 1 323, 000
Humboldt and Washoe	Charles Sheldon * (jointly held)							1 33, 806 1 2, 022, 000
Do	Charles Sheldon * (exclusively held)	17, 984		17, 984				1 135, 184
Clark and Lincoln	Desert							1 11, 915 1 856
Nye	Railroad Valley							
Elko and White Pine	Ruby Lake		28, 493	28, 493				
Pershing and Washoe	Winnemucca							
New Jersey: Salem	Killehook (see also Delaware)							
New Mexico:								
Chaves	Bitter Lake	2, 153	7, 775	9, 928		9, 928	320	
Socorro	Bosque del Apache	52, 843	2, 928	55, 771		55, 771		1 73, 228
Sierra and Socorro	Rio Grande							
New York:								
Seneca	Montezuma		2, 565	2, 565				
Strook	Shinnecock Bay				18	2, 565		
North Carolina:								
Hyde	Lake Mattamuskeet		541	541				
Dare	Pea Island		4, 307	5, 846		5, 846		
Hyde	Swanquarter	1, 439					15, 493	1 27, 448

## REPORT OF THE MIGRATORY BIRD COMMISSION, 1937

[illegible]

<sup>1</sup> Set aside by Executive order or proclamation.

2 Gift.

<sup>4</sup> Primarily for big game.

<sup>b</sup> By cession.

NOTE.—Discrepancies in entries and totals in this table and in similar tables reported by the Chief, Bureau of Biological Survey, for the same year, are explained by the receipt of more complete data on acreage.

TABLE 3.—Lands for refuges acquired and in process of acquisition with emergency funds

State and county	Refuge	Fiscal year 1937				Acquired during fiscal years 1932-36
		Acquired by purchase	Pending title conveyance	Total	Acres	
		Acres	Acres	Acres	Acres	
Alaska: Third Judicial Division.....	Chitina.....					1
Arkansas:						
Mississippi.....	Big Lake.....	80		80		363
Arkansas, Desha, Monroe, and Phillips.....	White River.....	31,656	12,297	43,953		64,645
California: Colusa and Glenn.....	Sacramento.....	10,776		10,776		
Florida: Jefferson, Taylor, and Wakulla.....	St. Marks.....	9,473	1,180	10,653		
Georgia: Chatham.....	Savannah River (see also South Carolina).....		1,492	1,492		2,997
Illinois: Mason.....	Chautauqua.....	5	2,203	2,208		2,198
Louisiana:						
Plaquemines.....	Delta.....		10,361	10,361		
Cameron.....	Lacassine.....		12,944	12,944		
Do.....	Sabine.....	10,048	139,248	139,248		
Michigan: Schoolcraft.....	Seney.....	986	13,942	14,928		13,504
Minnesota:						
Marshall.....	Mud Lake.....	60,216		60,216		
Aitkin.....	Rice Lake.....	436	7,350	7,786		
Missouri:						
Holt.....	Squaw Creek.....	1,953	168	2,121		4,373
Chariton.....	Swan Lake.....	3,610	229	3,839		1,520
Montana:						
Phillips.....	Lake Bowdoin.....		640	640		
Roosevelt and Sheridan.....	Medicine Lake.....	2,626	7,685	10,311		13,027
Lake and Sanders.....	National Bison Range.....					19
Beaverhead.....	Red Rock.....	11,319	8,879	20,198		3,746
Nebraska:						
Garden.....	Crescent Lake.....					
Cherry.....	Niobrara.....	1,847		1,847		
Do.....	Valentine.....	16,392	8,252	24,644		2,354
New York: Saratoga.....	U. S. Fur Animal Experiment Station.....	16		16		43,388
North Carolina:						
Hyde.....	Mattamuskeet.....					49,915
Do.....	Swanquarter.....					8
North Dakota:						
Foster and Stutsman.....	Arrowwood.....	2,036	1,483	3,519		9,792
Burke and Ward.....	Deer Lake.....	1,879	1,413	3,292		10,613
Walsh.....	Lake Ardoch.....					291
Burleigh and Kidder.....	Long Lake.....	591		591		
Burke and Mountrail.....	Lostwood.....	11,869	2,249	14,109		9,204
Bottineau and McHenry.....	Lower Souris.....	6,655	3,763	10,418		32,179

Sargent.....	Storm Lake.....	2	2	2	2
Do.....	Tewauken.....	80	80	80	80
Renville and Ward.....	Upper Souris.....	1,136	1,215	1,215	2,351
Oregon: Harney.....	Malheur (Warren unit).....	3,031	141	141	3,172
Do.....	Malheur (Malheur unit).....				
South Carolina:					
Charleston.....	Cape Romain.....				5,196
Jasper.....	Savannah River (see also Georgia).....	2,015	756	756	1,504
South Dakota:					
Bennett.....	Lacreek.....	4,042			5,320
Charles Mix.....	Lake Andes.....	2	18	18	319
Brown.....	Sand Lake.....	4,401	1,294	1,294	13,958
Day.....	Waubay.....				2,013
Thomas: Lake and Obion.....	Lake Isom.....		1,402	1,402	20
Texas: Bailey.....	Muleshoe.....	2,214	1,440	1,440	8,040
Utah: Box Elder.....	Bear River.....				707
Wisconsin: Buffalo and Trempealeau.....	Trempealeau.....		5,501	5,501	
Total.....		201,674	247,545	449,219	396,087

NOTE.—Discrepancies in entries and totals in this table and in similar tables reported by the Chief, Bureau of Biological Survey, for the same year, are explained by the recent reo lpt of more complete data on acreage.





